

Atty. Dkt. No. 032026-0775

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert J. Hamers et al.
Title: NANOCYLINDER-MODIFIED SURFACES
Appl. No.: 10/773,753
Filing Date: 2/6/2004
Examiner: Crow, Robert Thomas
Art Unit: 1634
Confirmation Number: 4028

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated May 11, 2007, finally rejecting Claims 1-11 and 32-37.

☒ Applicant claims small entity status.

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ Notice of Appeal Fee

☒ To be paid as detailed below

☐ Not required (Fee paid in prior appeal)

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$510.00
<input type="checkbox"/>	Extension month:	\$0.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$510.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$255.00
	TOTAL FEE:	\$255.00

The above-identified fees of \$255.00 are being paid by credit card via EFS-Web.

Applicants believe that no extension of time fees are due for this filing. Although Applicants filed a complete first reply to the final Office Action within two months of the date of that Office Action, no Notice of Allowance or Advisory Action has been mailed by the Examiner. Because no Advisory Action was mailed prior to the expiration of three months from the mailing date of the final Office Action, the shortened statutory period for reply should expire as of the mailing date of an Advisory Action. (See MPEP 706.07(f).) As no Advisory Action has yet been mailed, Applicants submit that the shortened statutory period for reply has not yet expired and, therefore, no extension of time fees are due. However, should the Commissioner disagree with Applicants' position, the Commissioner is authorized to charge the appropriate extension of time fees to Deposit Account No. 19-0741.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16, 1.17 and 41.20, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

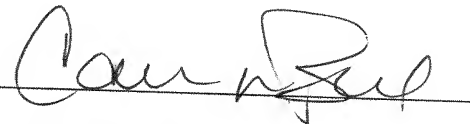
Please direct all correspondence to the undersigned attorney or agent indicated below.

Respectfully submitted,

Date November 7, 2007

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4263
Facsimile: (608) 258-4258

By



Callie M. Bell
Attorney for Applicant
Registration No. 54,989